

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

July 23, 2001

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Morrison, Associate Justice; Callahan, Associate Justice; and Conrad, Bailiff. Calendar Called.

C036454 MARTIN et al. v. WELLS FARGO BANK

Cause called. Randall L. Wiens argued for appellants. Mark E. Ellis argued for respondent. Cause submitted.

At 9:57 a.m., the court recessed. At 9:59 a.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Callahan and Associate Justice Hull.

C032561 PLACER RANCH PARTNERS et al. v. COUNTY OF PLACER et al.

Cause called. David Elson argued for appellants. Michael H. Zischke argued for respondents. Scott H. Finley appeared only. Cause submitted.

At 10:31 a.m., the court recessed. At 10:34 a.m., the court reconvened with Acting Presiding Justice Raye, Associate Justice Callahan and Associate Justice Hull.

C032492 THE PEOPLE v. VASQUEZ et al.

Cause called. David S. Adams, Deputy State Public Defender, argued for appellant Trent. Mark Christiansen, court appointed counsel, argued for appellant Vasquez. Patrick J. Whalen, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:21 a.m., the court recessed until 9:30 a.m., Monday, August 20, 2001.

C032767 THE PEOPLE v. JACKSON (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Blease, Acting P.J.
 Raye, J.

C034025 THE PEOPLE v. WEBB (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Davis, Acting P.J.
 Nicholson, J.

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The Minutes

July 23, 2001, continued

C034250 THE PEOPLE v. MACKEY (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Nicholson, Acting P.J.

Raye, J.

C034657 THE PEOPLE v. MALDONADO (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Davis, Acting P.J.

Nicholson, J.

C035597 In re JOSE R.; THE PEOPLE v. JOSE R. (Not for Publication)

The order of the juvenile court is affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.

Morrison, J.

July 24, 2001

C034760 THE PEOPLE v. MORENO, JR. (Not for Publication)

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to change the reference on line 2 of section 3 (enhancements) from "667.5(b) PC" to "667(a) PC." It will then forward a copy of the corrected abstract to the Department of Corrections.

DAVIS, J.

We concur: Scotland, P.J.

Morrison, J.

C036900 THE PEOPLE v. WOJCIECHOWSKI (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Callahan, J.

Hull, J.

July 25, 2001

There were no minutes for this date.

**COURT OF APPEAL
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The Minutes

July 26, 2001

- C032079 THE PEOPLE v. SMITH et al. (Not for Publication)**
As to Smith, the judgment is affirmed. As to Giles, the judgment that he had been convicted of a strike prior is reversed, the sentence vacated, and the matter remanded for resentencing. As to Conley, the judgment that he had been convicted of a prior serious felony conviction for purposes of Penal Code section 667, subdivision (a), and Penal Code sections 667, subdivisions (b) through (i) and 1170.12 is reversed, the sentence vacated, and the matter remanded for retrial on the prior serious felony conviction or resentencing.
MORRISON, J.
We concur: Blease, Acting P.J.
 Callahan, J.
- C032511 THE PEOPLE v. PITTMAN et al. (Not for Publication)**
As to defendant Humphrey, the conviction for petty theft with a prior (§ 666) is reversed; in all other respects the judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections a new abstract of judgment, correctly reflecting defendant's convictions and strikes. As to defendant Pittman, the judgment is affirmed.
MORRISON, J.
We concur: Nicholson, Acting P.J.
 Hull, J.
- C032643 THE PEOPLE v. NGUYEN (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Raye, Acting P.J.
 Callahan, J.
- C033272 THE PEOPLE v. SANCHEZ (Not for Publication)**
The judgment is modified by ordering the eight-month sentence on street terrorism stayed pursuant to Penal Code section 654. The court shall prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.
MORRISON, J.
We concur: Raye, Acting P.J.
 Callahan, J.
- C034384 THE PEOPLE v. MONTGOMERY (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
 Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

July 26, 2001, continued

**C037074 In re JOHNATHAN N. et al.; SACRAMENTO COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES v. DAVID N.
(Not for Publication)**

The order terminating parental rights is affirmed.

DAVIS, J.

We concur: Sims, Acting P.J.
 Morrison, J.

**C037025 CATHOLIC CHARITIES OF SACRAMENTO, INC. v. THE SUPERIOR
COURT OF SACRAMENTO COUNTY and DEPARTMENT OF
MANAGED HEALTH CARE et al.
(Certified for Publication)**

THE COURT:

It is ordered that the opinion filed herein on July 2, 2001, be modified in the following respects:...[There is no change in the judgment]

Petitioner's petition for rehearing is denied.

Scotland, P.J.

Morrison, J.

Callahan, J.

July 27, 2001

C033235 THE PEOPLE v. SINGH (Not for Publication)

The finding that defendant suffered a prior serious felony conviction is reversed and the allegation is stricken. Defendant's prison sentence is modified as follows: The sentence for count 1, a felony violation of Vehicle Code section 23152, subdivision (a), is reduced to three years. The sentence for count 2, a felony violation of Vehicle Code section 23152, subdivision (b), is reduced to three years and remains stayed pursuant to Penal Code section 654. Defendant's total unstayed prison term is reduced to four years, consisting of three years for count 1 and one year for the prior prison term enhancement. As modified, the judgment is affirmed. The trial court is directed to file an amended abstract of judgment reflecting these modifications, and to forward a copy of the amended abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur: Blease, J.
 Sims, J.

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The Minutes

July 27, 2001, continued

- C034801 THE PEOPLE v. HOANG (Not for Publication)**
The judgment is modified by staying the concurrent term imposed on count IV. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification, and to forward a copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Nicholson, J.
 Morrison, J.
- C034816 THE PEOPLE v. MAI (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Nicholson, J.
 Morrison, J.
- C035311 THE PEOPLE v. MASE (Not for Publication)**
The order of commitment is affirmed.
 DAVIS, Acting P.J.
We concur: Nicholson, J.
 Kolkey, J.
- C036203 THE PEOPLE v. PRATT (Not for Publication)**
The judgment is affirmed.
 CALLAHAN, J.
We concur: Scotland, P.J.
 Hull, J.
- C033606 STORER v. METZGER et al. and WILSON (Not for Publication)**
The portion of the judgment ordering the Metzgers to return to Storer "Sixty Thousand Dollars (\$60,000) entrusted to [the Metzgers] for [Storer's] care and support" is modified to \$55,000. As modified, the judgment is affirmed. Storer and Wilson are awarded their costs on appeal.
 NICHOLSON, J.
We concur: Davis, Acting P.J.
 Raye, J.